

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JONLYNN S. MONTGOMERY,

Plaintiff,

v.

PEOPLE OF THE STATE OF
CALIFORNIA,

Defendants.

No. 2:24-cv-01348-EFB (PC)

ORDER

Plaintiff filed this civil rights action on May 13, 2024. ECF No. 1. He requested that the action be dismissed on June 7, 2024. ECF No. 4. Accordingly, the Clerk of Court filed a notice of dismissal and closed the case. ECF No. 5. Plaintiff now asks the court to reopen the case. ECF No. 6.

“A dismissal without prejudice terminates the action and concludes the rights of the parties in that particular action.” *United States v. California*, 507 U.S. 756, 756 (1993) (internal quotation marks omitted). Once a plaintiff files for voluntary dismissal, the case ends, leaving the parties “as though no action had been brought.” *United States v. 475 Martin Lane*, 545 F.3d 1134, 1145 (9th Cir. 2008) (internal quotation marks omitted). The proper course for a plaintiff who has voluntarily dismissed his case but later wishes to proceed on those claims is to file a new complaint, opening a new case. *Smith v. Shasta Cty.*, 2:20-cv-01837-KJM-DMC, 2021 U.S. Dist.

1 LEXIS 70604, at *1-2 (E.D. Cal. Apr. 12, 2021).

2 Accordingly, plaintiff's motion to reopen the case (ECF No. 6) is DENIED. If plaintiff
3 wishes to proceed on the claims he raised in this action, he must do so by initiating a new action.

4 SO ORDERED.

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6 Dated: February 10, 2025


EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE